

REMARKS

In the Office Action, the Examiner objected to the drawings for making reference to reference numerals that were not existent in the specification and further objected to the specification due to informalities noted in paragraph 43. The Examiner further rejected Claims 3 and 4 under 35 U.S.C. § 112, second paragraph, for being indefinite and further rejected the pending claims of the application as either being anticipated under 35 U.S.C. § 102 or obvious under 35 U.S.C. § 103 in view of the Vann reference (U.S. Publ. No. 2002/0015666), the Mainquist et al. reference (U.S. Patent No. 6,534,014), or some combination thereof. By this paper, the Applicant has amended the specification to address the issues noted by the Examiner with respect to the drawings specification and has further amended the claims to highlight the subject matter that the Applicant believes is allowable over the art of record.

To address the informalities noted by the Examiner with respect to the drawings and the specification, the Applicant has hereby amended the specification in paragraph 43 to include the external sidewall 140 and has further amended the specification in paragraph 49 to include a discussion of the walls 230. The Applicant does not believe that this amendment results in the addition of any new matter to this application as it simply results in the specification conforming with the drawings. Moreover, the wall 230 corresponds to the walls 130 in Figure 1 and, similarly, the external side wall 140 corresponds to the external side wall 240 disclosed in Figure 2. Hence, the Applicant does not believe that these amendments result in the addition of any new subject matter to the application as filed.

With respect to the 35 U.S.C. § 112 rejection of the claims, the Applicant has amended the specification to include the discussion that cover 300 is made from a non-bonding material as was outlined in the claims originally. The Application further believes that this amendment does not result in the addition of any new subject matter as the claims conform to a portion of the original disclosure. Lastly, the Applicant has amended Claim 4 in the manner suggested by the Examiner. As such, the Applicant believes that all of the pending claims clearly define and specifically point out the subject matter that the Applicant believes is patentable.

In the Office Action, the Examiner further rejected the pending claims as either being anticipated or obvious in view of Vann and Mainquist. After carefully reviewing both Vann and Mainquist, the Applicant notes that neither of these references, either by themselves or in

combination with each other, disclose or teach a container provided with a circular bottom having a surface area which is smaller than the bottom surface area of the well of a microtiter plate. (*See, e.g.*, Claim 1 as amended). Antecedent support for this limitation can be found on Page 4, paragraph 18, of the specification.

More specifically, the Applicant notes that Vann is concerned with a matrix storage and dispensing system. In particular, Vann discloses a platform assembly 12 that includes an upper support 22 mounted on a moveable lower support 26. The upper support 22 is moveable and has a selected receptacle holding area (22a) on which a multi-well plate 36 is positioned. However, Vann does not disclose a container provided with a circular bottom having a surface area that is smaller than the bottom surface area of the well of the microtiter plate. Moreover, Vann can only receive one container (*See*, Figure 3 and Figure 10 of Vann) at the same time. Lastly, the receptacle of Vann cannot be easily sealed or closed since it is a mere platform in contrast to the Applicant's invention.

With respect to Mainquist, the Applicant notes that Mainquist is a specimen plate and also does not disclose a container having the circular bottom. Hence, none of the references cited by the Examiner disclose or teach this particular feature. As such, the Applicant believes that Claim 1 as amended is allowable over the art of record.

For this reason, the Applicant believes that Claim 1 is allowable over the art of record. The Applicant believes that the remaining claims define additional patentable subject matter and are further allowable due to their respective dependencies on Claim 1. The Applicant therefore believes that the above-captioned application is in condition for allowance and requests the prompt allowance of the same. Should there be any impediment to the prompt allowance of this application that could be resolved by a telephone conference, the Examiner is respectfully requested to call the under signed at the number shown below.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this

Application No.: 10/783,409
Filing Date: February 20, 2004

application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending patent of the present application's assignee.

Serial Number	Title	Filed
10/783,412 (U.S. Patent No. 7,219,800)	MODULAR ARRAY ARRANGMENTS	05/22/2007

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1/22/08

By: 

Michael H. Trenholm
Registration No. 37,743
Attorney of Record
Customer No. 20995
(951) 781-9231